

RECEIVED
CENTRAL FAX CENTER

DEC 22 2003

OFFICIAL

Fax

☐ Urgent ☒ Return reply requested ☐ Original will be sent as confirmation

To: U.S. Patent and Trademark Office

Date: December 22, 2003

Attention: Examiner Q. Nguyen
Group Art Unit: 1636Re: U.S. Utility Patent Application
Appl. No. 09/617,116, Filed: July 14, 2000From: Karen K. Markowicz *KKM*For: Polyipolyglutaryl Synthetase Gene
Transfer to Enhance Antifolate Drug
Sensitivity

Pages (including cover sheet): 26

Fax No: 703-872-9306

Our Reference: 0609.4830001/JAG/KRM

Message

1. SKGF Cover Letter;
2. Fee Transmittal Form (PTO/SB/17);
3. Petition of Extension of Time Under 37 C.F.R. § 1.136(a)(1);
4. Supplemental Amendment and Reply Under 37 C.F.R. § 1.116;
5. Form PTO-2038 Credit Card Payment Form in the amount of \$420.00 to cover the extension of time fee; and
6. Return Facsimile Cover Sheet.

Certification of Facsimile Transmission
I hereby certify that these papers are being facsimile transmitted
to the Patent and Trademark Office on the date shown below.

P. Donnelly
Pamela C. Donnelly

Date: 12-22-03

If any portion of this transmission is not received early or in full,
contact us at 202.371.2600 or 1-877-371-2600.

This message is intended for the exclusive use of the individual or entity to which it is addressed. The message may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this communication in any way is strictly prohibited. If you have received this communication in error, please call us immediately, and return the original message to us at the above address via the U.S. Postal Service.

Sterne, Kessler, Goldstein & Fox P.L.L.C., 1100 New York Avenue, N.W., Washington, DC 20005 : 202.371.2600 / 1-877-371-2600 / www.skgf.com

SKGF_001218021



Ruben Franco Stern
Edward L. Kessler
Jonas A. Goldstein
David E. S. Goldstein
Robert M. Enos
Theresa G. Durkin
Michael B. Ray
Robert E. Seider
Frederick E. Seider
Michael G. Lee
Steven R. Ludwig
John M. Loeber
Cinda E. Alcorn
Robert C. Millington
Lawrence B. Buzarsky
Donald L. Goldstein
Michael V. Messinger

Julith L. Kun
Timothy J. Stone, Jr.
Patrick E. Gurned
Jill L. Krait
Edward W. Yee
Allan L. Perry
Donald R. Baranov
Peter A. Jackson
Molly A. McCall
Jelena U. Medler
Jeffrey S. Weisner
Kendrick C. Peterson
Michael L. Lapidus
Elihu E. Flynn
Thomas C. Fala
Drew J. Del Duca
Vivian Lee Kaplan
Kathleen N. Redick

Theodore A. Wood
Shoshana I. Kahan
Joseph S. Ostroff
Frank R. Conaghan
Thomas M. Thaler
Rae Lynn Thompson
Jale Shershenovich
Laurance I. Camill
George S. Barabasz
Daniel A. Klein
Jason D. Elensberg
Michael D. Specht
Andrew J. Kariage
Wally L. Mallet
Laurina M. Kurosh
John J. Figueroa
Jana K. Varnetfield
Tara S. Cohen

Ann W. Ledford
Registered Patent Agents
Karen R. Markowitz
Nancy J. Kelly
Helene C. Carlson
Gaby L. Longworth
Matthew J. David
Alicia L. Schwartz
Maya B. Tung
Kathleen K. Pei Quen
Bryan L. Stellan
Rube L. A. Schumacher
Timothy A. Doyle
Jennifer D. Mahalingappa
Teresa A. Lohela
Lorey S. Lindgren

Vivian S. Rutherford
Pat D. Hayes

Of Counsel
Kenneth C. Doss III
Brian H. Smith

*Admitted only in Maryland
*Admitted only in Virginia
*Practice limited to
Federal Agencies

December 22, 2003

WRITER'S DIRECT NUMBER:

(202) 772-8637

INTERNET ADDRESS:

KAREN@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop AF/Art Unit 1636

Re: U.S. Utility Patent Application
Appl. No. 09/617,116; Filed: July 14, 2000
For: Folylpolyglutamyl Synthetase Gene Transfer to Enhance Antifolate
Drug Sensitivity
Inventors: Aghi *et al.*
Our Ref: 0609.4830001/JAG/KRM

Sir:

Transmitted herewith *via facsimile* for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Petition of Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Supplemental Amendment and Reply Under 37 C.F.R. § 1.116;
4. Form PTO-2038 Credit Card Payment Form in the amount of \$420.00 to cover the extension of time fee; and
5. Return Facsimile Cover Sheet

It is respectfully requested that the attached facsimile cover sheet be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sternes, Kessler, Goldstein & Fox PLLC : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 : 202.371.2540 : www.skgf.com

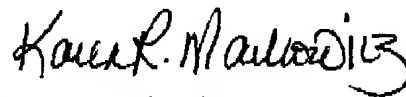
PAGE 3/26 * RCVD AT 12/22/2003 4:34:25 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/2 * DNS:8729306 * CSID:2023712540 * DURATION (mm:ss):06-04

Commissioner for Patents
December 22, 2003
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Karen R. Markowicz
Agent for Applicants
Registration No. 36,351

KRM/pcd
Enclosures

::ODMA\HODMA\SKGF_DC1;212653;1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$420.00)****Complete if Known**

Application Number	09/617,116
Filing Date	July 14, 2000
First Named Inventor	Aghi et al.
Examiner Name	Nguyen, Q.
Art Unit	1636
Attorney Docket No.	0609.4830001/JAG/KRM

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☒ Other** ☐ None
 ** Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

☐ Deposit Account
 Deposit Account Number 19-0036

Deposit Account Name: Slame, Kessler, Goldstein & Fox P.L.L.C.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any over payments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	630	2003	285	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1105	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Extra	Fee from below	Fee Paid
Total Claims _____ - 20** = _____	X _____	= _____
Indep. Claims _____ - 3** = _____	X _____	= _____
Multiple Dependent _____	= _____	= _____

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description
1202	2202	18	9	Claims in excess of 20
1201	2201	86	43	Independent claims in excess of 3
1203	2203	290	145	Multiple dependent claim, if not paid
1204	2204	86	43	**Reissue independent claims over original patent
1205	2205	18	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissue, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1612	2,520	1612	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1261	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month (less one (1) month paid on 10/31/03)	420.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$420.00)**SUBMITTED BY**

Name (Print/Type)

Karen R. Markowicz

Registration No.
(Attorney/Agent)

36,351

Complete (if applicable)

Telephone 202-371-2600

Signature

Karen R. Markowicz

Date

12/22/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary based on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20590. FAX: (703) 305-0100. MAIL: 10000 KENNEDY BLVD, SUITE 1000, FORT BELLEVILLE, IL 62239-4000. E-MAIL: CIO@USPTO.GOV. OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1418, Alexandria, VA 22304-1418.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Aghi *et al.*

Appl. No. 09/617,116

Filed: July 14, 2000

For: **Folypolyglutamyl Synthetase
Gene Transfer to Enhance
Antifolate Drug Sensitivity**

Confirmation No. 5851

Art Unit: 1636

Examiner: Nguyen, Q.

Atty. Docket: 0609.4830001/JAG/KRM

Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1)Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450*Mail Stop AF*

Sir:

It is hereby requested that the period for replying to the outstanding Office Action be extended three (3) months from October 1, 2003 to January 2, 2004 (*January 1, 2004 being a Federal Holiday*) by the filing of this Petition and fee payment.

The petition fee (37 C.F.R. § 1.17(a)) is believed to be \$420.00 for a three (3) month extension for a small entity (\$475.00 less one (1) month extension fee \$55.00 paid on October 31, 2003). Fee payment is provided in our accompanying PTO-2038 Credit Card Payment Form. However, if extensions of time under 37 C.F.R. § 1.136 other than those provided herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

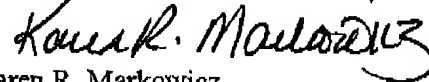
Respectfully submitted,

12/23/2003 EAREGAY1 00000186 09617116

01 FC:1252

420.00 0P

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Karen R. Markowicz
Agent for Applicants
Registration No. 36,351Date: 12/22/03
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
\\ODMA\MHODMA\SKGF_DC1\212721;1